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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,755	02/20/2004	Phillip Roe Goodlett	Arendt.S-03	7402
22197	7590	01/27/2006	EXAMINER	
GENE SCOTT; PATENT LAW & VENTURE GROUP 3140 RED HILL AVENUE SUITE 150 COSTA MESA, CA 92626-3440			HAUGLAND, SCOTT J	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/783,755	GOODLETT ET AL.	
	Examiner	Art Unit	
	Scott Haugland	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "in closest proximate thereto" in claim 8, lines 4-5 is unclear. It appears that "in close proximity thereto" was intended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Dvorak (U.S. Pat. No. 2,975,271).

Dvorak discloses an illuminated standoff apparatus comprising: a base 4, 17 providing a planar portion 5, an elongated stud 20 fixed to the planar portion and extending axially outwardly from and normal to the planar portion, a first means for attachment (threaded portion) at a free end of the stud 20, a pair of lamps 7, 8 engaged in the base and extending outwardly from the base, a light transmissive cylindrical sidewall 16 having opposing first and second peripheral lips, the first peripheral lip engaged with the base and closing a first end of the cylindrical sidewall, a cap 46 engaged with the second peripheral lip and closing a second end of the cylindrical sidewall, a second means for attachment (threads in cap 46) extending axially through the cap and removably engaged with the first means for attachment. The planar portion 5 of the base is configured for and capable of abutting and mounting onto an appropriate wall surface. The lamps are positioned on opposing sides of the stud 20 as seen in Fig. 1. The cap inherently provides means for receiving a garment, towel rod, or toilet paper roll rod.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dvorak (U.S. Pat. No. 2,975,271) in view of Braly (U.S. Pat. No. 4,204,271).

Dvorak is described above.

Dvorak does not disclose that the lamps extend normally to a wall surface when the base is mounted thereon as recited in claim 8. Dvorak does not explicitly state that the lamps are positioned for optimal uniformity of light at the sidewall as required by claims 5 and 12. Dvorak does not disclose moisture excluding means fitted between at least one of the cap and cylindrical sidewall and the cylindrical sidewall and the base as required by claims 4 and 11.

Braly teaches orienting a lamp normal to a planar base of an illuminating device and providing gaskets 52, 82 between a sidewall and base and sidewall and cap. It would have been obvious to one having ordinary skill in the art at the time the invention was made to orient the lamps of the apparatus of Dvorak normal to the base as taught by Braly to eliminate any shadow of the lamp socket on the sidewall.

With regard to claims 4 and 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Dvorak with a gasket between the base and sidewall and the sidewall and cap as taught by Braly to adapt the apparatus for use in moist environments.

With regard to claims 5 and 12, it would have been obvious to an ordinary artisan to position the lamps for optimal uniformity of illumination on the cylindrical sidewall as is old and well known to provide lighting that is as uniform as possible.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Winkelmeyer (U.S. Pat. No. 2,338,559) is cited to show a light fixture having a gasket between a base and lens. Benander (U.S. Pat. No. 2,689,945) is cited to show a light fixture having a central stud to which a lens is attached. Blum (U.S. Pat. No. 3,183,343), Nestrock (U.S. Pat. No. D,216,458), Balzer (U.S. Pat. No. 4,367,517), and Bach et al (U.S. Pat. No. 6,135,621) are cited to show illuminated hand rails or bars. Blaylock (U.S. Pat. No. 3,961,174), Orosz (U.S. Pat. No. 4,719,548), Davis (U.S. Pat. No. 5,454,692), Yu (U.S. Pat. No. 5,655,877), and Hsu (U.S. Pat. No. 6,761,463) are cited to further show component connecting structures of illuminating devices. Kuo (U.S. Pat. No. 5,071,099), Semchuck (U.S. Pat. No. 5,186,427), Chen (U.S. Pat. No. 5,875,903), Meck (U.S. Pat. No. 6,012,692), and Kuo (U.S. Pat. No. 6,113,045) are cited to show wall mounted brackets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjh
sjh
1/11/06

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